

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue
New York, NY 10019-6099
Tel: 212 728 8000
Fax: 212 728 8111

September 25, 2024

VIA ECF AND EMAIL

The Honorable Katherine Polk Failla
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *In re Tether and Bitfinex Crypto Asset Litigation*, No. 1:19-cv-09236-KPF – Letter Seeking to Publicly File Defendant Phil Potter’s Answer to Plaintiffs’ Second Amended Complaint

Dear Judge Failla:

I write on behalf of Defendant Philip G. Potter (“Mr. Potter”) in the above-referenced action. On September 13, 2024, Mr. Potter filed a letter motion requesting permission to file his Answer to Plaintiffs’ Second Amended Complaint (“Answer”) under seal out of an abundance of caution given the possibility that the Answer could be deemed to include Confidential or Attorneys’ Eyes Only information. *See* ECF No. 565. Mr. Potter further requested permission to later file an unsealed, redacted version of his Answer. *Id.* On September 16, 2024, the court granted Mr. Potter’s letter motion. *See* ECF No. 568.

Upon further consideration and review of the Answer of the Bitfinex-Tether Defendants to the Second Amended Complaint, *see* ECF No. 566, we have concluded that no redactions are required and Mr. Potter’s Answer may be filed publicly in its entirety. Accordingly, we intend to re-file an unredacted version of Mr. Potter’s Answer on the public docket by no later than October 2, 2024.

With apologies for any inconvenience to the Court, we are available should Your Honor have any questions.

Respectfully submitted,
/s/ Charles D. Cording
Charles D. Cording
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, NY 10019
ccording@willkie.com

Attorney for Defendant Philip G. Potter

The Court thanks Defendant Philip G. Potter ("Defendant Potter") for the update regarding his request to seal his Answer to Plaintiffs' Second Amended Complaint.

In light of the above, and the fact that Defendant Potter has already filed his Answer under seal (Dkt. #567), Defendant Potter is hereby ORDERED to file an unredacted version of his Answer on the public docket by **September 30, 2024**.

Date: September 26, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE